

## LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

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**P.A.S.:** Comprehensive Plan Conformance #03000

**DATE:** January 22, 2003

**SCHEDULED PLANNING COMMISSION MEETING:** February 5, 2003

**PROPOSAL:** Finding that the exchange of land for a proposed substation is in conformance with the Comprehensive Plan.

**LAND AREA:** Approximately 3.94 acres.

**CONCLUSION:** This exchange of land conforms to the Comprehensive Plan.

<b><u>RECOMMENDATION:</u></b>	Conforms to the Comprehensive Plan
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### **GENERAL INFORMATION:**

**LEGAL DESCRIPTION:** See attached.

**LOCATION:** Southwest of the intersection of Highway 2 and South 91<sup>st</sup> Street.

**OWNER:** City of Lincoln d/b/a Lincoln Electric System  
1040 O Street  
Lincoln, NE 68508  
475-4211

**CONTACT/  
APPLICANT:** Charles Humble, Attorney for Lincoln Electric System  
Erickson & Sederstrom, P.C.  
301 South 13<sup>th</sup> Street, Ste. 400  
Lincoln, NE 68508  
476-1000

**EXISTING ZONING:** AG Agricultural and AGR Agricultural Residential

**EXISTING LAND USE:** Vacant

### **SURROUNDING LAND USE AND ZONING:**

North: Undeveloped	AGR Agricultural Residential
South: Agriculture, Residential	AG Agricultural
East: Undeveloped	AG Agricultural
West: Agriculture, Rail Road	AG Agricultural

## **COMPREHENSIVE PLAN SPECIFICATIONS:**

**Page F25** - The 2025 Comprehensive Plan designates this property for commercial uses.

**Page F81** - Guiding Principles - Lincoln Electric System will be the sole electric utility within the City of Lincoln.

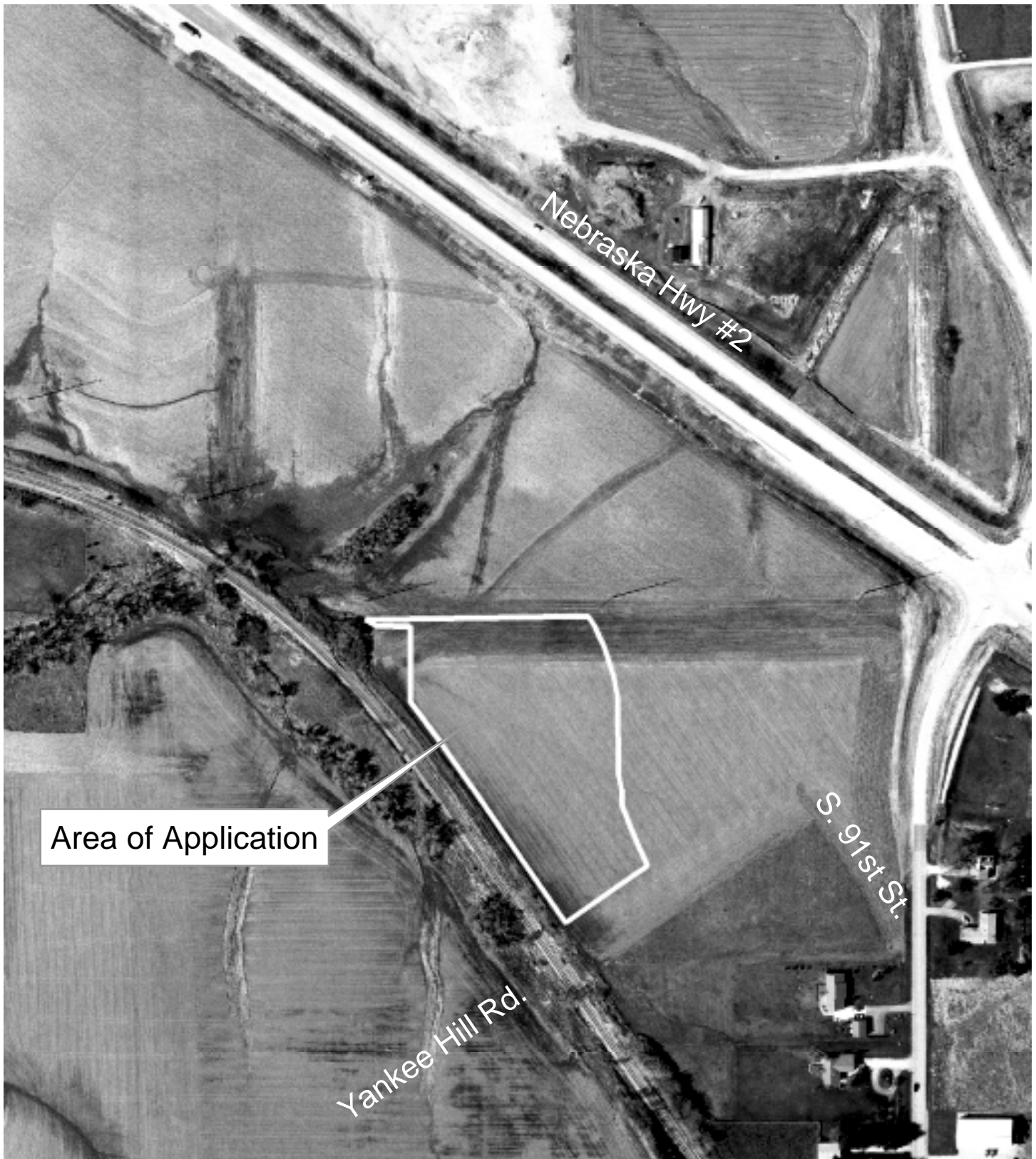
**Page 33** of the Southeast Lincoln/Highway 2 Subarea Plan, Section V (C) Future Needs - "LES owns land for a substation site near South 87<sup>th</sup> Street and 1/4 mile south of Highway 2 which is in the area designated for commercial use in the subarea plan. The 2000-2006 Capital Improvement Program designates that LES will build this substation in Fiscal Year 2003 - 2004."

## **ANALYSIS:**

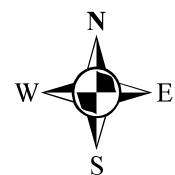
1. This is a request by Lincoln Electric System (L.E.S.) to exchange a 3.94 acre parcel generally located west of the intersection of South 91<sup>st</sup> Street and Highway 2, for an approximately 3.63 acre parcel located approximately 750' to the west.
2. The properties are being exchanged to allow placement of the substation at the southeast edge of a future commercial area, instead of in the middle of it thereby enhancing the compatibility of the substation with the future commercial area.
3. The Comprehensive Plan calls for L.E.S. be the sole electric utility provider for Lincoln. The Plan intends that new utility infrastructure be built to keep pace with growth and demand.
4. There has been significant growth in the southeast part of the city, including the regional shopping center, Appian Way, north across Highway 2 from this site. Locating a substation in this area will allow L.E.S. to meet the need for additional service in this growing part of the city.
5. The Southeast Lincoln/Highway 2 Subarea Plan calls for open space along Yankee Hill Road adjacent to this site. L.E.S should work with neighboring property owners and the Village of Cheney to provide landscaping in the open space to help buffer the impact of the substation upon surrounding residential properties.
6. Public facilities like this substation should be sited on property zoned P - Public. The applicant should petition to change the zoning on this site from AG and AGR to P as soon as possible.

Prepared by:

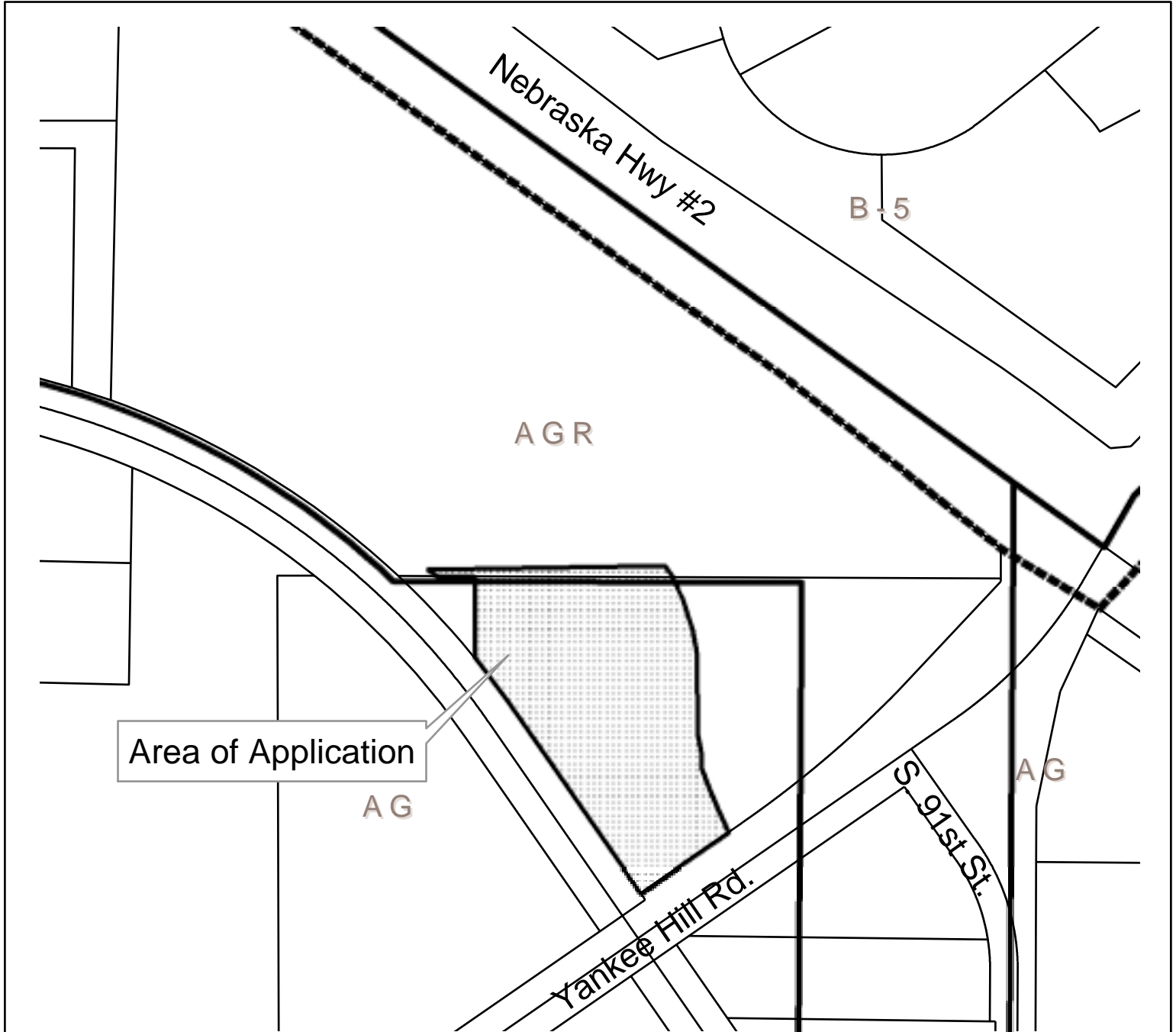
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Brian Will  
Planner



## Comp. Plan Conformance #03000 91st & Hwy #2



Lincoln City - Lancaster County Planning Dept.  
1999 Aerial

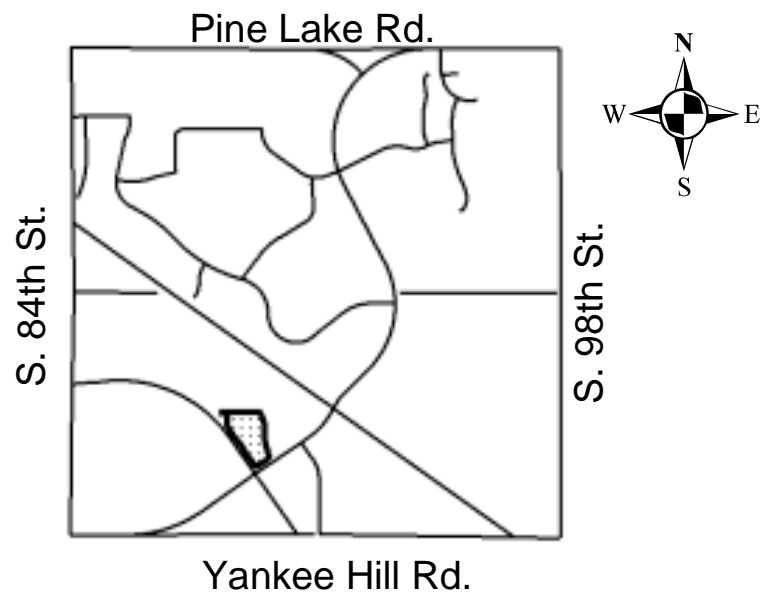
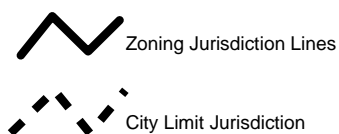


## Comp. Plan Conformance #03000 91st & Hwy #2

### Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile  
Sec. 23 T9N R7E



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CHARLES D. HUMBLE  
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January 17, 2003

HAND DELIVERED

Brian Will, Planner  
Lincoln-Lancaster County Planning Department  
555 South 10<sup>th</sup> Street, Suite 213  
Lincoln, NE 68508

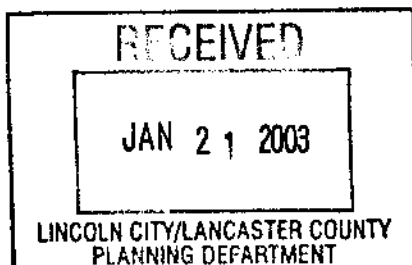
Re: LES-Comprehensive Plan Conformance, 91<sup>st</sup> and Highway 2  
Our File No.: 10114.44312

Dear Brian:

I am the applicant, on behalf of Lincoln Electric System, in connection with its Application for Comprehensive Plan Conformance of a tract of land of approximately 3.94 acres which it is acquiring at 91<sup>st</sup> Street near Highway 2 for an LES substation.

The acquisition of the site at 91<sup>st</sup> and Highway 2 will be accomplished through an exchange of property (see attachment). LES acquired a tract of land of approximately 3.63 acres legally described as Lot 83 IT in the Southwest Quarter of Sec. 23, T9N, R7 East of the 6<sup>th</sup> P.M., Lancaster County, several years ago for a future substation site (existing LES substation property). Due to the development which is occurring in the area, such as Appian Way Regional Center and Appian Way Regional Center First Addition and the location of an LES transmission line, LES determined that it would be more advantageous for it to exchange its existing substation property for the proposed substation property. The new site is located approximately 750 feet east of the existing LES site.

I shall refer to the new site as the proposed LES substation property. The proposed LES substation property consists of three tracts of land which are all legally described on the attachment as Tract 1, Tract 2, and Tract 3. As far as LES is concerned, the proposed exchange is revenue neutral with LES neither being required to pay additional compensation for the tract nor will LES receive any additional compensation for its tract.



Brian Will, Planner

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January 17, 2003

Due to the rapid expansion of the surrounding area, it is imperative that LES commence construction of its substation on its relocated site in March 2003 in order to make the substation operational as soon as possible and meet the increased demand for electricity in this area.

Very truly yours,

A handwritten signature in cursive script that reads "Charles D. Humble".

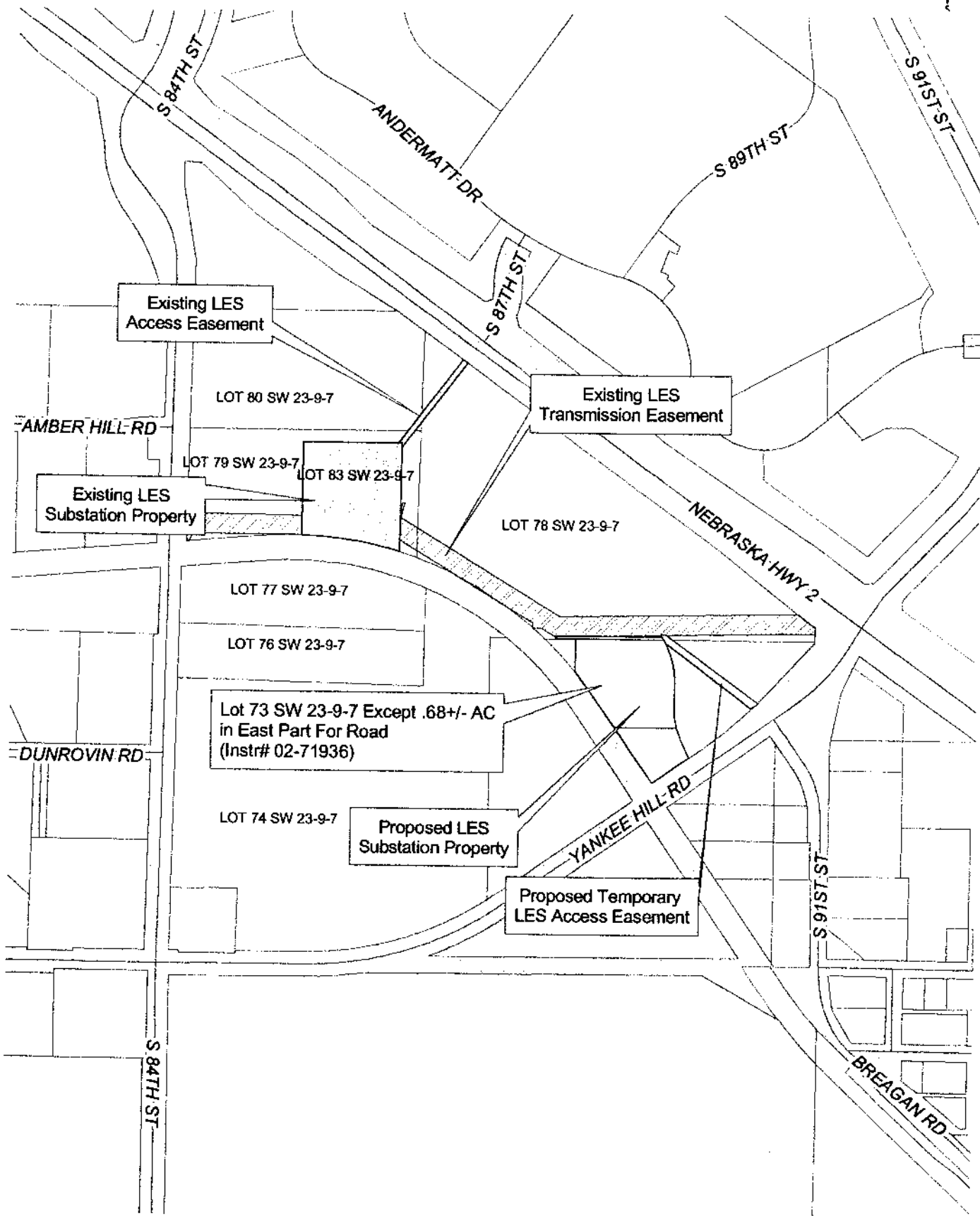
Charles D. Humble

CDH:rjj

Enclosures

c: Rick Peo  
Dennis Bartels  
Douglas L. Curry, Esq.  
Dan Pudenz  
Steve Hanks

# Proposed Substation Relocation





## INDIVIDUAL TRACT LEGAL DESCRIPTIONS

### LEGAL DESCRIPTION - TRACT 1

A TRACT OF LAND IN LOT 73, IRREGULAR TRACT, IN THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6TH PRINCIPAL MERIDIAN, LANCASTER COUNTY, NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE NORTHEASTERLY RIGHT OF WAY LINE OF THE OMAHA PUBLIC POWER DISTRICT'S RAILROAD LINE AND THE NORTHWESTERLY LINE OF THE RELOCATED YANKEE HILL ROAD RIGHT OF WAY; THENCE N 34°41'32" W (ASSUMED BEARING), ALONG THE NORTHEASTERLY RIGHT OF WAY LINE OF THE OMAHA PUBLIC POWER DISTRICT'S RAILROAD LINE, A DISTANCE OF 273.77 FEET; THENCE N 89°58'00" E, A DISTANCE OF 266.26 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF FUTURE AMBER HILL ROAD AND A POINT ON A 283.00 FOOT RADIUS CURVE, CONCAVE TO THE EAST; THENCE, ALONG SAID CURVE AND SAID WESTERLY RIGHT OF WAY LINE, THROUGH A CENTRAL ANGLE OF 09°56'44", AN ARC LENGTH OF 49.12 FEET, THE CHORD OF SAID CURVE BEARS S 19°42'42" E, A DISTANCE OF 49.06 FEET; THENCE S 24°41'05" E, ALONG SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 76.15 FEET TO A POINT ON SAID NORTHWESTERLY LINE OF THE RELOCATED YANKEE HILL ROAD RIGHT OF WAY; THENCE S 55°19'02" W, ALONG SAID NORTHWESTERLY LINE OF THE RELOCATED YANKEE HILL ROAD RIGHT OF WAY, A DISTANCE OF 193.10 FEET TO THE POINT OF BEGINNING, CONTAINING AN AREA OF 41598.46 SQUARE FEET, 0.96 ACRES, MORE OR LESS.

### LEGAL DESCRIPTION - TRACT 2

A TRACT OF LAND IN LOT 73, IRREGULAR TRACT, IN THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6TH PRINCIPAL MERIDIAN, LANCASTER COUNTY, NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

REFERRING TO THE INTERSECTION OF THE NORTHEASTERLY RIGHT OF WAY LINE OF THE OMAHA PUBLIC POWER DISTRICT'S RAILROAD LINE AND THE NORTHWESTERLY LINE OF THE RELOCATED YANKEE HILL ROAD RIGHT OF WAY; THENCE N 34°41'32" W (ASSUMED BEARING), ALONG THE NORTHEASTERLY RIGHT OF WAY LINE OF THE OMAHA PUBLIC POWER DISTRICT'S RAILROAD LINE, A DISTANCE OF 273.77 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING N 34°41'32" W, ALONG SAID NORTHEASTERLY RIGHT OF WAY LINE, A DISTANCE OF 135.10 FEET TO THE POINT OF CURVATURE OF A 1494.43 FOOT RADIUS CURVE, CONCAVE TO THE SOUTHWEST; THENCE, ALONG SAID CURVE AND SAID NORTHEASTERLY RIGHT OF WAY LINE, THROUGH A CENTRAL ANGLE OF 04°24'09", AN ARC LENGTH OF 114.83 FEET, THE CHORD OF SAID CURVE BEARS N 36°53'36" W, A DISTANCE OF 114.80 FEET; THENCE N 00°02'00" W, A DISTANCE OF 148.74 FEET TO A POINT ON THE SOUTHERLY LINE OF LOT 78 LT.; THENCE N 89°58'00" E, ALONG THE SOUTHERLY LINE OF SAID LOT 78 LT., A DISTANCE OF 356.83 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF FUTURE AMBER HILL ROAD AND A POINT ON A 331.00 FOOT RADIUS CURVE, CONCAVE TO THE WEST; THENCE, ALONG SAID CURVE AND SAID WESTERLY RIGHT OF WAY LINE, THROUGH A CENTRAL ANGLE OF 30°31'03", AN ARC LENGTH OF 176.30 FEET, THE CHORD OF SAID CURVE BEARS S 15°17'32" E, A DISTANCE OF 174.22 FEET; THENCE S 00°02'00" E, ALONG SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 109.79 FEET TO A POINT ON A 283.00 FOOT RADIUS CURVE, CONCAVE TO THE EAST; THENCE, ALONG SAID CURVE AND SAID WESTERLY RIGHT OF WAY LINE, THROUGH A CENTRAL ANGLE OF 14°42'21", AN ARC LENGTH OF 72.64 FEET, THE CHORD OF SAID CURVE BEARS S 07°23'10" E, A DISTANCE OF 72.44 FEET; THENCE S 89°58'00" W, A DISTANCE OF 266.26 FEET TO THE POINT OF BEGINNING, CONTAINING AN AREA OF 123382.42 SQUARE FEET, 2.83 ACRES, MORE OR LESS.

### LEGAL DESCRIPTION - TRACT 3

A TRACT OF LAND IN LOT 78, IRREGULAR TRACT, IN THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6TH PRINCIPAL MERIDIAN, LANCASTER COUNTY, NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

REFERRING TO THE NORTHEAST CORNER OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 23, THENCE S 89°58'00" W (ASSUMED BEARING), ALONG THE NORTH LINE OF THE SOUTH HALF OF THE SOUTHWEST QUARTER SAID SECTION 23, A DISTANCE OF 33.00 FEET TO THE SOUTHEAST CORNER OF SAID LOT 78; THENCE CONTINUING S 89°58'00" W, ALONG THE NORTH LINE OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 23, A DISTANCE OF 611.80 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF FUTURE AMBER HILL ROAD AND A POINT ON A 331.00 FOOT RADIUS CURVE, CONCAVE TO THE WEST AND THE POINT OF BEGINNING; THENCE CONTINUING S 89°58'00" W, ALONG THE NORTH LINE OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 23, A DISTANCE OF 424.72 FEET; THENCE N 59°00'27" W, A DISTANCE OF 22.10 FEET TO A CORNER OF AN EXISTING LINCOLN ELECTRIC SYSTEM TRANSMISSION LINE EASEMENT RECORDED AS INSTRUMENT #95-12607 AT THE LANCASTER COUNTY REGISTER OF DEEDS; THENCE N 89°01'14" E, ALONG THE SOUTHERLY LINE OF SAID L.E.S. TRANSMISSION LINE EASEMENT, A DISTANCE OF 431.95 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF FUTURE AMBER HILL ROAD AND A POINT ON A 331.00 FOOT RADIUS CURVE, CONCAVE TO THE WEST; THENCE, ALONG SAID CURVE AND SAID WESTERLY RIGHT OF WAY LINE, THROUGH A CENTRAL ANGLE OF 03°47'55", AN ARC LENGTH OF 21.95 FEET, THE CHORD OF SAID CURVE BEARS S 37°27'03" E, A DISTANCE OF 21.94 FEET TO THE POINT OF BEGINNING, CONTAINING AN AREA OF 6463.13 SQUARE FEET, 0.15 ACRES, MORE OR LESS.